

# Code of Conduct Att 1 LGAQ Circular

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## Circular

Authorised by: Greg Hallam PSM Chief Executive Officer Tuesday, 21 February 2012

### Councillor Code of Conduct

Circular: **2012-037** | **For Information**

Clarification on the Councillor Code of Conduct

In August 2010, LGAQ endorsed and released, for adoption by Councils, a Model Councillor [Code of Conduct](#). A number of Councils have, by resolution, adopted the Code as a "procedure", as that term is used in section 176(4) of the Local Government Act 2009. As noted in the Code, on the basis that the Code is a procedure adopted by Council, failure to comply with a requirement of the Code on the part of a councillor will be inappropriate conduct, as defined in section 176(4)(a) of the Local Government Act 2009.

The purpose of this circular is to clarify the content of the Code, to the extent that it deals with the obligation of the chief executive officer, when assessing a complaint about failure to comply with a requirement of the Code.

Under section 177(5) of the Local Government Act 2009, the chief executive officer may make an assessment that failure to comply with the requirement of the Code is inappropriate conduct. In that event, the chief executive officer must:-

(a) if the complaint is about conduct of the Mayor or Deputy Mayor, refer the complaint to the Department's chief executive; or  
(b) if the complaint is about conduct of another councillor, refer the complaint to the Mayor.

A Council which has adopted the Code may clarify this issue by omitting the words "considered misconduct and" from the last paragraph of the Code.

Note, a resolution of Council to amend the content of the Code may only be made if written notice of intention to propose the amendment is given to each councillor at least 5 days before the meeting at which the proposal is to be made (see section 59 of the Local Government (Operations) Regulation 2010).

For further information please contact Greg Hallam on 1300 542 700.